

ESTTA Tracking number: **ESTTA731157**

Filing date: **03/03/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225211
Party	Defendant PECHANGA BAND OF LUISENO MISSION INDIANS OF THE PECHANGA RESERVATION, CALIFORNIA OF THE PECHANGA RESERVATION, CALIFORNIA
Correspondence Address	SANFORD E. WARREN, JR. Warren Rhoades Llp 1212 Corporate Dr Ste 250 Irving, TX 75038-2705 ipdocketing@wriplaw.com, swarren@wriplaw.com
Submission	Motion to Amend Application
Filer's Name	Sanford E. Warren, Jr.
Filer's e-mail	ipdocketing@wriplaw.com, swarren@wriplaw.com, tlord@ktslaw.com, ncholette@ktslaw.com, ccao@ktslaw.com
Signature	/Sanford E. Warren, Jr./
Date	03/03/2016
Attachments	2016-03-03 Stipulated Motion.pdf(762181 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GENESCO BRANDS, LLC,)	
)	
Opposer,	)	Serial Nos.
	)	86561218 (JOURNEY AT PECHANGA)
v.	)	86561195 (JOURNEY AT PECHANGA
	)	& Design)
PECHANGA BAND OF LUISENO)	
MISSION INDIANS OF THE PECHANGA)	
RESERVATION, CALIFORNIA,	)	Consolidated Opposition No. 91225211
)	
Applicant.)	

**STIPULATED MOTION TO AMEND APPLICATIONS AND,
IF ACCEPTED, TO DISMISS OPPOSITION ACTION WITHOUT PREJUDICE**

Opposer Genesco Brands, LLC (“Opposer”) and Applicant Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (“Applicant”), have resolved the current dispute related to the above-referenced Consolidated Opposition No. 91225211, conditioned upon amendment of Applicant’s Application Serial Nos. 86561218 and 86561195.

In accordance with 37 C.P.R. § 2.133 and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) §§ 212.07, 514.01 and 514.02, Applicant, through its undersigned attorney, respectfully requests that the Trademark Trial and Appeal Board (the “Board”) amend the recitation of goods in Class 25 in both Application Serial Nos. 86561218 and 86561195 as follows:

From: head gear, namely, fitted caps, visors, and beanies; clothing, namely, collared shirts, sweatshirts, and sweaters; outerwear, namely, vests, and jackets; bath robes; bath slippers

To: head gear, namely, fitted caps, visors, and beanies; clothing, namely, collared shirts, sweatshirts, and sweaters; outerwear, namely, vests, and jackets; bath robes; bath slippers; all the foregoing to be used in connection with the promotion of tribal resort goods, services and amenities and sold only at tribal resort gift shops

It is respectfully submitted that the amendments do not require republication because the amendments to the description of goods narrow rather than broaden the scope of the identified goods and, therefore, Applicant believes that the amendments are acceptable under 37 C.F.R. § 2.71(a). In accordance with 37 C.F.R. § 2.133(a), Opposer consents to the amendments.

Based upon acceptance by the Board of Applicant's request to amend the Class 25 recitation of goods in both Application Serial Nos. 86561218 and 86561195, Opposer withdraws without prejudice Consolidated Opposition No. 91225211 pursuant to 37 C.F.R. § 2.106(c) and TBMP § 601.01. Applicant consents to Opposer's withdrawal of Opposition No. 91225211 without prejudice.

The parties further respectfully request that the Board suspend Consolidated Opposition No. 91225211 pending disposition of these requests.

Respectfully Submitted:

Date: March 2, 2016

By: 
Tywanda H. Lord
Nichole Davis Chollet
Carrie Weiting Cao
KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530
(404) 815-6500

Attorneys for Opposer

Date: March 3, 2016

By: /Sanford E. Warren, Jr./
Sanford E. Warren, Jr., Esq.
WARREN RHOADES LLP
1212 Corporate Dr. Suite 250
Irving, Texas 75038-2705

Attorney for Applicant

CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing is being filed electronically through the U.S. Patent and Trademark Office's ESTTA system on March 3, 2016.

/Sanford E. Warren, Jr./
Sanford E. Warren, Jr.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GENESCO BRANDS, LLC,)	
)	
Opposer,	)	Serial Nos.
	)	86561218 (JOURNEY AT PECHANGA)
v.	)	86561195 (JOURNEY AT PECHANGA
	)	& Design)
PECHANGA BAND OF LUISENO)	
MISSION INDIANS OF THE PECHANGA)	
RESERVATION, CALIFORNIA,	)	Consolidated Opposition No. 91225211
)	
Applicant.)	

CERTIFICATE OF SERVICE

This is to certify that the foregoing STIPULATED MOTION TO AMEND APPLICATIONS AND, IF ACCEPTED, TO DISMISS OPPOSITION ACTION WITHOUT PREJUDICE was served on counsel for Opposer by depositing a true and correct copy in the first class mail, postage pre-paid, addressed as follows, with a courtesy copy sent by e-mail:

Tywanda H. Lord
Nichole Davis Chollet
Carrie W. Cao
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, Georgia 30309
tlord@ktslaw.com, nchollet@ktslaw.com, ccao@ktslaw.com

Dated: March 3, 2016

/Sanford E. Warren, Jr./

Sanford E. Warren, Jr.